

Message Text

LIMITED OFFICIAL USE

PAGE 01 BRASIL 04923 041443Z

44

ACTION ARA-20

INFO OCT-01 ADP-00 L-03 JUSE-00 RSR-01 RSC-01 USIE-00 /026 W

----- 009070

P 041400Z AUG 73

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC PRIORITY 8976

LIMITED OFFICIAL USE BRASILIA 4923

DEPARTMENT PASS JUSTICE, ATTN: CIVIL DIVISION; AND ARAA/LA/MGT
DEPARTMENT ALSO PASS USIA IGC

E.O. 11652: N/A

TAGS: AFSP, BR

SUBJECT: WALTER MENEZES LAW SUIT

RE: STATE 148519

1. AT THE EMBASSY'S REQUEST, DR. JARDIM HAS OBTAINED A
POSTPONEMENT OF THE LEGAL PROCEEDINGS IN THE SUBJECT LAW SUIT
UNTIL AUGUST 30, 1973.

2. EMBASSY DISCUSSED WITH DR. JARDIM THE DECISION TO ATTEMPT AN
EXTRA JUDICIAL SETTLEMENT OF MENEZES' CLAIM, ON THE BASIS OF THE
QUOTE DECLARATION UNQUOTE OF JANUARY 6, 1966. DR. JARDIM RECOM-
MENDS STRONGLY AGAINST SUCH SETTLEMENT FOR THE FOLLOWING REASONS:

A. THE HODET DECLARATION WAS NEVER INTRODUCED AS EVIDENCE BY
THE PLAINTIFF WHEN HE FIRST FILED ACTION AGAINST USG; NOR IS IT
A PART OF THE COURT RECORD. DR. JARDIM ADVISES THAT THIS
DECLARATION IS NO LONGER REPEAT NO LONGER ADMISSIBLE AS EVIDENCE.
IN ORDER FOR DOCUMENTARY EVIDENCE TO BE ADMITTED IT MUST BE FILED
OR REFERRED TO WHEN THE ORIGINAL COMPLAINT IS FILED.
ACCORDING TO DR. JARDIM, THERE IS NO POSSIBILITY THEREFORE
THAT THE HODET DECLARATION WILL BE INTRODUCED NOR IS THERE
CERTAINTY THAT THE DOCUMENT IS STILL IN THE POSSESSION OF
THE PLAINTIFF.

B. ANY EXTRA JUDICIAL SETTLEMENT OF A LABOR CLAIM MUST BE MADE
BEFORE A LABOR COURT OR BEFORE LABOR UNION OFFICIALS; OTHERWISE
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BRASIL 04923 041443Z

SUCH SETTLEMENT IS NOT BINDING UPON THE COMPLAINANT EVEN THOUGH

HE MAY EXECUTE A RELEASE. THE CASE COULD CONCEIVABLY BE RE-OPENED ANY TIME AFTER THE SETTLEMENT OUT OF COURT.

C. HE FEELS USG IS SETTING A BAD PRECEDENT IN ATTEMPTING TO SETTLE THIS CASE OUT OF COURT WHEN OTHER CASES WITH PERHAPS MORE MERIT HAVE BEEN ALLOWED TO PROCEED IN COURTS ON BASIS OF LACK OF JURISDICTION.

3. IN LIGHT OF THESE FACTS AND DR. JARDIM'S STRONG OPPOSITION TO SETTLEMENT OUT OF COURT, EMBASSY RECOMMENDS RECONSIDERATION OF THE STRATEGY OUTLINED BY REFERENCE.
CLEVELAND

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 04 AUG 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: garlanwa
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973BRASIL04923
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: BRASILIA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730857/aaaabpzk.tel
Line Count: 72
Locator: TEXT ON-LINE
Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: garlanwa
Review Comment: n/a
Review Content Flags:
Review Date: 16 JAN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16-Jan-2002 by martinml>; APPROVED <05-Feb-2002 by garlanwa>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: WALTER MENEZES LAW SUIT RE: STATE 148519
TAGS: AFSP, BR
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005